

Remarks

Claims 6 and 16 are amended herein. Claims 1-20 remain pending in the Application.

Specification Objections

Applicant thanks the Examiner for entering the amended Abstract.

The Title is objected to because it is not descriptive. Examiner has stated that legal words like "System" and "Method" should be removed. Applicant has amended the title to overcome the objection.

Claim Rejection 35 USC 101

In the Office Action, Claims 6-10 and 16-20 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner has stated that the Claimed matter is not embodied on a tangible readable medium.

Applicant respectfully thanks the Examiner for removing Claim 1-5 from the claim rejection under 35 U.S.C. §101. Applicant has amended Claims 6 and 16 herein. Therefore, Applicant respectfully states that the rejection of Claims 6-10 and 16-20 under 35 U.S.C. §101 is overcome.

Rejection under 102(e)

Claims 1, 6, 11 and 16

In the Office Action, the Examiner rejected Claims 1, 6, 11 and 16 under 35 USC 102(e) as being anticipated by Morganelli et al. (6425120). Applicant has reviewed Morganelli et al. and respectfully states that Morganelli et al. do not anticipate the present invention for the following rationale.

Applicant respectfully states that Claims 1, 6, 11 and 16 include the same or similar features "acquiring a block of code in a program;

analyzing the block of code for at least one instruction characteristic;
generating a unique graphical indicator for the at least one instruction characteristic; and
displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.”
Support for the Claimed features can be found in the Figures and Specification including Figure 2 and page 11 lines 3-14 of the Specification.

According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each claim under consideration” (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)). However, it is not sufficient that the reference recite all the claimed elements. As stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention “arranged as in the claims” (emphasis added; Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)).

In the present Office Action, Morganelli et al. has been relied upon to anticipate the features of Claims 1, 6, 11 and 16. However, Applicant respectfully disagrees that the teachings of Morganelli et al. do disclose each element of the claimed invention arranged as in the claims.

Specifically, Applicant understands Morganelli et al. to teach a tool that allows a developer to create an executable application program without having to write a single line of text based code. That is, Applicant understands Morganelli et al. to teach an extensible visual oriented programming system with a textual paradigm. Thus, Applicant understands Morganelli et al. to teach the generation of an application program, the developer selects one or more icons preferably from the designer toolbar that perform requisite functionality for carrying out the tasks of the application program. In response, the program-development environment places corresponding symbols in the designer window. The developer then graphically links these symbolic representations by drawing

"wires" between them in order to create a data and/or execution control flow diagram. In addition, Applicant understands Morganelli et al. to teach the development environment gives the developer the option of using textual inputs in order to specify event handlers that might otherwise be impossible or more difficult to represent graphically.

Thus, Applicant understands Morganelli et al. to anticipate visual programming methodology for generating a block of code program. This is the opposite of the claimed features.

Again, Applicant respectfully points out the claimed features clearly recite acquiring a block of code in a program. Analyzing the block of code for at least one instruction characteristic, generating a unique graphical indicator for the at least one instruction characteristic and displaying the graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.

Specifically, Applicant respectfully points out that the Claims 1, 6, 11 and 16 include the claimed feature "acquiring a block of code in a program." This is not analogous to Morganelli et al. That is, Applicant does not understand Morganelli et al. to acquire a block of code. Instead, Applicant understands Morganelli et al. to teach the construction of a block of code program using a plurality of visual tools wherein the program is the resultant not the acquisition. Therefore, if Morganelli et al. teaches construction of a program, then Morganelli et al. cannot teach acquiring a block of code in a program (emphasis added). For this reason, Applicant respectfully states that Claims 1, 6, 11 and 16 are not anticipated under 35 U.S.C. §102(e) as being anticipated by Morganelli et al.

Additionally, Claims 1, 6, 11 and 16 include the claimed features "analyzing the block of code for an instruction characteristic and generating a unique graphical indicator for the at least one instruction characteristic."

Applicant does not understand Morganelli et al. to teach or anticipate this feature since it is well known in the Visual basic programming field and taught by Morganelli et al. that the icon is associated with a standard block of code.

Applicant understands the background of Morganelli et al. to teach the motivation for Morganelli et al. was the limitation on the desired functionality of application programs due to lack of pre-defined objects. Moreover, Applicant understands Morganelli et al. to teach a disadvantage when a pre-defined object does not exist, the developer must typically create a completely new object which can take a significant amount of time.

Applicant respectfully submits that the claimed feature of analyzing the block of code for an instruction characteristic and generating a unique graphical indicator for the at least one instruction characteristic is not anticipated by Morganelli et al. The claimed feature clearly states that the code is analyzed for an instruction characteristic and then a graphic indicator is generated. Thus, as stated herein, the block of code in a program exists first, then the block is analyzed for at least one instruction characteristic, then the graphic indicator is generated. This is directly opposite the program generation teaching of Morganelli et al. wherein the graphic is used to provide a program detail and then the program is generated. For this additional reason, Applicant respectfully states that Claims 1, 6, 11 and 16 are not anticipated under 35 U.S.C. §102(e) as being anticipated by Morganelli et al.

Additionally, Claims 1, 6, 11 and 16 include the claimed feature "displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code." (emphasis added) Applicant does not understand Morganelli et al. to teach or anticipate this feature.

The claimed feature clearly states that the graphic indicator is displayed with the block of code to indicate the presence of the characteristic. This is also

directly opposite the teaching of Morganelli et al. Applicant understands Morganelli et al. to clearly teach visual programming. That is, the visual object is used in place of code such that by using the tools, the developer can create an executable application program without having to write a single line of text based code. Moreover, Morganelli et al. teaches the additional capability of adding code between the objects to increase functionality of the generated executable application program.

However, Applicant does not understand Morganelli et al. to teach or anticipate displaying the graphic indicator with the block of code to indicate the presence of the characteristic in the code. Instead, Applicant understands Morganelli et al. to teach showing the graphic indicator instead of the block of code. Support for the Applicant's understanding of Morganelli et al. can be found in the Figures of such as 434a and 426a of Figure 4d wherein the graphic indicator is shown but the block of code is not shown. This is clearly realized since the teachings of Morganelli et al. are directed toward generating a program block of code not analyzing an already generated block of code.

For this further reason, Applicant respectfully states that Claims 1, 6, 11 and 16 are not anticipated under 35 U.S.C. §102(e) as being anticipated by Morganelli et al. and are therefore allowable. Thus, Applicant submits that the rejection under 102(e) is overcome.

Rejection under 103(a)

Claims 2-5, 7-10, 12-15 and 17-20

In the Office Action, the Examiner rejected Claims 2-5, 7-10, 12-15 and 17-20 under 35 USC 103(a) as being unpatentable over Morganelli et al. in view of TMS320C6X Optimizing Compiler User's Guide, Texas Instruments 2000 (hereinafter TI). Applicant has reviewed the cited references and respectfully

submits that the present invention is not rendered obvious over Morganelli et al. in view of TI for the following rationale.

Applicant respectfully points out that Independent Claims 1, 6, 11 and 16 include the features “acquiring a block of code in a program;
analyzing the block of code for at least one instruction characteristic;
generating a unique graphical indicator for the at least one instruction characteristic; and
displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.” Support for the Claimed features can be found in the Figures and Specification including Figure 2 and page 11 lines 3-14 of the Specification.

For the reasons provided herein in the discussion regarding the rejection under 35 U.S.C. §102(e) as being anticipated by Morganelli et al., Applicant respectfully submits that Morganelli et al. do not teach the claimed features.

Moreover, Applicant respectfully disagrees that TI overcomes the shortcomings of Morganelli et al. That is, Applicant does not understand TI to teach the features “acquiring a block of code in a program; analyzing the block of code for at least one instruction characteristic; generating a unique graphical indicator for the at least one instruction characteristic; and displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is present in the block of code.”

Therefore, Applicant respectfully submits that neither Morganelli et al. nor Morganelli et al. in combination with TI make obvious the features acquiring a block of code in a program; analyzing the block of code for at least one instruction characteristic; generating a unique graphical indicator for the at least one instruction characteristic; and displaying the unique graphical indicator with the block of code to indicate that the at least one instruction characteristic is

present in the block of code as recited in Claims 1, 6, 11 and 16, and as such, Claims 1, 6, 11 and 16 are in condition for allowance.

Accordingly, Applicant also respectfully submits that Morganelli et al. in combination with TI does not render obvious the present claimed invention as recited in Claims 2-5 which are dependent on an allowable Independent Claim 1, Claims 7-10 which are dependent on an allowable Independent Claim 6, Claims 12-15 which are dependent on an allowable Independent Claim 11 and Claims 17-20 which are dependent on an allowable independent Claim 16 and that Claims 2-5, 7-10, 12-15 and 17-20 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-5, 7-10, 12-15 and 17-20 are allowable as pending from allowable base Claims.



Conclusion

In light of the above remarks, Applicant respectfully requests allowance of Claims 1-20.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,
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